



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM  
and  
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.M.P. (MD)No.4181 of 2018  
in  
Rev.Aplw. (MD)No.SR 14555 of 2018**

1.The State of Tamil Nadu  
Rep.by its Secretary,  
Public Works Department,  
Fort St.George,  
Secretariat,  
Chennai - 600 009

2.The Superintendent,  
W.R.O. / P.W.D  
Kothaiyaru Division,  
Nagercoil,  
Kanyakumari District.

3.The Executive Engineer,  
W.R.O. / P.W.D  
Kothaiyaru Division,  
Nagercoil,  
Kanyakumari District.

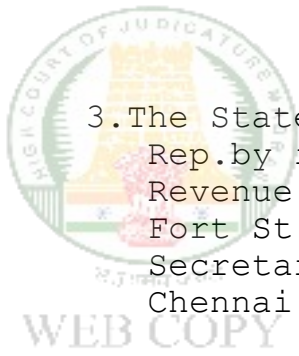
4.The Junior Engineer  
W.R.O. / P.W.D  
Kothaiyaru Division,  
Mailaudy  
Kanyakumari District.

.. Petitioners/Petitioners

Vs.

1.S.Durairaj

2.The State of Tamil Nadu,  
Rep.by its Chief Secretary,  
Fort St.George,  
Secretariat,  
Chennai - 600 009.



3.The State of Tamil Nadu,  
Rep.by its Chief Secretary,  
Revenue Department  
Fort St.George,  
Secretariat,  
Chennai - 600 009.

4.The Engineer in-Chief,  
Water Resources Organization,  
Public Works Department,  
Chepauk,  
Chennai.

5.The Commissioner,  
Kanyakumari District,  
Nagercoil.

6.The District Collector,  
Kanyakumari District,  
Nagercoil,

7.The Tahsildar,  
Agatheeswaram Taluk,  
Kanyakumari District

8.The Executive Officer,  
Anjugramam Town Panchayat,  
Anjugramam  
Kanyakumari District.

.. Respondents

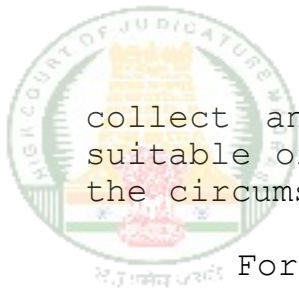
(Respondents 2 to 7 are not necessary Parties.  
Hence notice maybe given up)

**PRAYER W.M.P. (MD)No.4182 of 2018:** This Petition is filed, praying to condone the delay of 334 days in preferring the above Review application in Review Application SR.No.14555 of 2018.

**PRAYER Rev.Aplw. (MD)No.SR 14555 of 2018:** Review Application is filed Under Order 47 Rule 1 & 2 Civil Procedure Code R/W, under Section 114 of Civil Procedure Code, to review the order dated 24.02.2017 passed in W.P.(MD)No.3270 of 2017, on the file of this Court and allow this review petition.

Prayer in WP(MD). 3270/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents forthwith to maintain Vinayagar Putheri Kulam, comprised in S.No.990, by providing shutter and pond sluice facilities and consequently direct them to desilt the Vinayakar Puthery Kulam forthwith, ensuring enough water gets



collect and store in all times and pass such further or other suitable orders as this Honourable court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioners

: Mr.A.K.Baskara Pandian  
Special Government Pleader

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**ORDER**

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.A.K.Baskara Pandian, learned Special Government Pleader for the petitioners

2.This application has been filed to condone the delay of 334 days in preferring Review Application No.SR.14555 of 2018, to review the order and direction in W.P.(MD)No.3270 of 2017, dated 24.02.2017.

3. This Review Application has been filed only on the ground that the review petitioners are not the appropriate authority to effect the construction of sluice and the Anjugramam Town Panchayat, Kanyakumari District, the 8<sup>th</sup> respondent herein, is the appropriate authority.

4. It appears that the writ petitioners have filed a contempt petition stating that the order and direction issued by the writ court has been violated.

5. The learned Special Government Pleader submitted that in the Contempt Petition, the petitioners are stated that appropriate authority would construct the sluice in the Town Panchayat. If such is the situation, the petitioners before us can always seek appropriate direction from the Division Bench by appropriately modifying the direction. Hence, on that ground, we do not find any reason to review the order in the writ petition. That apart, the delay has not been explained properly and the petitioners have not shown sufficient cause for condonation of delay.

6. Hence. This petition is dismissed with above observation. Consequently, the review petition is rejected. No costs.

Sd/-  
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

MPK



To

- 1.The Secretary,  
State of Tamil Nadu  
Public Works Department,  
Fort St.George,  
Secretariat,  
Chennai - 600 009
- 2.The Chief Secretary,  
State of Tamil Nadu,  
Fort St.George,  
Secretariat,  
Chennai - 600 009.
- 3.The Secretary,  
The State of Tamil Nadu,  
Revenue Department  
Fort St.George,  
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Chennai - 600 009.
- 4.The Engineer in-Chief,  
Water Resources Organization,  
Public Works Department,  
Chepauk,  
Chennai.
- 5.The Commissioner,  
Kanyakumari District,  
Nagercoil.

+1 cc to Special Government Pleader, SR.No. 91649

**W.M.P. (MD)No.4181 of 2018**  
**in**  
**Rev.Aplw. (MD)No.SR 14555 of 2018**  
**04.10.2019**

JM/30.10.2019/4P/7C